
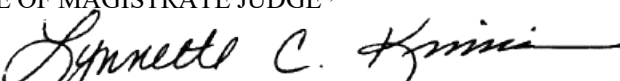


CRIMINAL COMPLAINT
(Electronically Submitted)

United States District Court	DISTRICT of ARIZONA
United States of America v. Ismael GUTIERREZ-Martinez ; DOB: 1990; Mexican Citizen Jorge GARCIA-Gutierrez ; DOB: 2005; United States Citizen	DOCKET NO. MAGISTRATE'S CASE NO. 23-06177MJ
Complaint for violation of Title 18, United States Code, § 554	
<p>On or about August 24, 2023, in the District of Arizona, Ismael GUTIERREZ-Martinez and Jorge GARCIA-Gutierrez, knowingly, intentionally and fraudulently attempted to export and send from the United States, any merchandise, article, or object contrary to any law or regulation of the United States, and received, concealed, bought, sold, and in any manner facilitated the transportation, concealment, and sale of such merchandise, article or object, that is: a .50 caliber BMG Desert Tech Rifle and a .50 caliber magazine, knowing the same to be intended for exportation contrary to any law or regulation of the United States, to wit: Title 50, United States Code, Section 4819, Title 15, Code of Federal Regulations, Parts 736.2, 738, and 774; all in violation of Title 18, United States Code, Section 554(a).</p>	
<p>BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED:</p> <p>On August 24, 2023, at approximately 1630 hours, at the DeConcini Port of Entry in Nogales, AZ, a blue in color, 2005 Toyota Sequoia, bearing Arizona license plate #V7A5DK, entered the outbound lanes to enter into the Republic of Mexico from the United States. CBPOs made contact with the driver, Ismael GUTIERREZ-Martinez and received a negative, oral binding U.S. Customs declaration to include firearms, ammunition and currency in excess of \$10,000 USD. GUTIERREZ-Martinez also confirmed his intent to travel to Nogales, Sonora, Mexico to buy uniforms for his children and claimed ownership of the vehicle. GUTIERREZ-Martinez was traveling in the company of his wife, two minor children and his nephew, Jorge GARCIA Gutierrez. At secondary, a CBP officer received a negative declaration from GARCIA-Gutierrez and confirmed his travel itinerary was from Tucson, AZ with intent to travel to Nogales, Sonora, Mexico. GUTIERREZ-Martinez stated that he had last crossed the border two weeks prior. During this time, an officer observed GUTIERREZ-Martinez displaying physical signs of nervous behavior as he was fidgeting and had to be told instructions numerous times. All passengers exited the vehicle and immediate searches were conducted on all adult passengers with negative findings.</p> <p>During a physical examination of the vehicle, a CBP officer discovered a .50 caliber rifle with a .50 caliber magazine laying underneath folding chairs on the floor in the third row of seats where GARCIA-Gutierrez' feet had been.</p> <p>(BASIS OF COMPLAINT CONTINUED ON REVERSE.)</p>	
MATERIAL WITNESSES IN RELATION TO THE CHARGE: N/A	
<p>DETENTION REQUESTED</p> <p>Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.</p> <p>AUTHORIZED BY AUSA <u>A. Aguilar</u>  Digitally signed by ARTURO AGUILAR Date: 2023.08.25 10:21:32 -07'00'</p>	<p>SIGNATURE OF COMPLAINANT</p> <p>ERIC M TREGLIO Digitally signed by ERIC M TREGLIO Date: 2023.08.25 09:56:33 -07'00'</p> <p>OFFICIAL TITLE</p> <p>HSI Special Eric M. Treglio</p>
<p>Sworn by telephone <u>x</u></p>	
<p>SIGNATURE OF MAGISTRATE JUDGE¹⁾</p> <p></p>	<p>DATE</p> <p>August 25, 2023</p>

1) See Federal Rules of Criminal Procedure Rules 3, 4.1, and 54

(BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED CONTINUED.)

After inspection of the vehicle, CBPOs explained to **GUTIERREZ-Martinez** that his vehicle would be seized and that his personal property would be removed for safe keeping. While talking to CBPOs, **GUTIERREZ-Martinez** asked “What’s happening?” and “did you find my gun?” CBPOs asked **GUTIERREZ-Martinez**, what gun was he talking about and what kind of gun was it. **GUTIERREZ-Martinez** replied, “my gun”. CBPOs then asked where the gun was, and **GUTIERREZ-Martinez** replied, “I don’t know but it should be at my house.”

While waiting in the intake center, **Jorge GARCIA-Gutierrez** uttered, “this is the only mistake I ever made. I forgot the gun was in the truck.”

The firearm and magazine are items that are listed on the United States Commerce Control List and as such, require a license to export from the United States into Mexico. At the time of their arrest, neither **GUTIERREZ-Martinez** nor **GARCIA-Gutierrez** had in their possession a license to export.

